

YAMADA, K. et al.
Appl. No. 10/759,175
July 30, 2007

AMENDMENTS TO THE DRAWINGS

Please replace the original drawings including Figures 1-24 with the attached, replacement formal drawings including Figures 1-24.

Attachment: Replacement Sheet(s)

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

The drawings were objected to as including reference character 541 not mentioned in the specification and as failing to include reference numeral 200 mentioned on page 23. The specification has been revised above to add reference numeral 541 on page 28 and to delete the references to numeral 200 on page 23. Reconsideration and withdrawal of the objection to the drawings is solicited. Meanwhile, formal drawings are submitted herewith to replace the informal drawings originally filed. Approval of the herewith formal drawings is respectfully requested.

The disclosure was objected to because of noted informalities.

The disclosure has been reviewed and revised above to correct the informalities noted by the Examiner. Reconsideration and withdrawal of the Examiner's objection are requested.

Claims 5 and 10 were rejected under 35 USC 112, second paragraph, as being indefinite. Claim 5 has been amended above to delete the reference to "odd ones". Claim 10 has been revised to make it clear that, as described in the as-filed specification, at least one of the gas holes of the first and second covers disposed closest to the base end of the gas sensor has a perimeter portion closest to the top end of the gas sensor, and that perimeter portion is located closer to the top end of the gas sensor than a base end of the electrode of the pair of the electrodes that is closest to the base end of the gas sensor. In this regard, as disclosed, one of the electrodes may be disposed closer to the base end of the gas sensor or the electrodes may have a base end at a common distance from the base end of the gas sensor. The Examiner advises that it is unclear whether one of the electrodes is required to be closer to the base end. The answer is no. It is not required that one of the electrodes be closer to the base

end, but if they are not the same distance, then the closer of the electrodes to the base end must meet the characteristic recited in claim 10. If both are the same distance, then both must meet the claim 10 limitation. Likewise, more than one of the gas holes of the first and second covers may be disposed at a same distance from and closest to the base end of the gas sensor. In that case, at least one of those gas holes must meet the characteristic features of claim 10. It is believed that claim 10 is now clear, but if the Examiner believes that a further revision to that claim is appropriate, it is respectfully requested that the undersigned be contacted by telephone so that a suitable amendment in that regard can be agreed upon.

Original claims 1-7 and 9-10 were rejected under 35 USC 102(b) as anticipated by Kato. Also, original claim 8 was rejected under 35 USC 103(a) as unpatentable over Kato. Applicant respectfully traverses these rejections.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Claim 1 has been amended above to provide more specifically that the plurality of gas holes formed in the side wall of the first cover are all located closer to the base end of the cover assembly than all of the gas holes of the second cover.

Kato teaches in Figure 11 a cover assembly that bears certain similarities to the structure disclosed by applicant. However, according to Kato, the inner cover has gas holes formed in the side wall thereof that are longitudinally between the two gas hole arrays of the cover assembly. Therefore, although the holes of the side wall of the inner cover are located closer to the base end of the cover assembly than one array of the gas holes of the outer cover, but not closer to the base end of the cover assembly than the other array of gas holes of the outer cover. As a consequence, water may easily intrude into the inner cover with Kato's structure.

In contrast, applicant's structure as defined in amended claim 1 has the advantage that the gas holes formed in the side wall of the first cover (i.e., the inner cover) are all located closer to the base end of the cover assembly than the gas holes of the second cover (i.e., the outer cover). The structure defined by applicant's claim 1 minimizes the intrusion of water into the first cover from the second cover.

For all the reasons advanced above, claim 1 is not anticipated by nor obvious from Kato. The remaining claims are distinguishable from Kato for at least the same reasons.

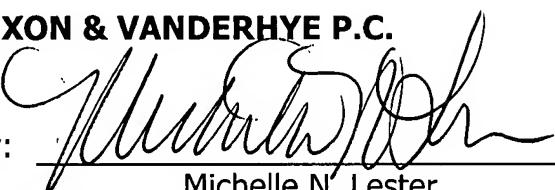
All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

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Respectfully submitted,

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